



County of Los Angeles  
**CHIEF ADMINISTRATIVE OFFICE**

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DAVID E. JANSSEN  
Chief Administrative Officer

September 19, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: David E. Janssen   
Chief Administrative Officer

Board of Supervisors  
GLORIA MOLINA  
First District

YVONNE BRATHWAITE BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

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Fifth District

**MOTION TO URGE THE GOVERNOR TO VETO SB 278 (DUCHENY) -- MEDICAL  
RELEASE OF PRISONERS (ITEM NO. 13, AGENDA OF SEPTEMBER 23, 2003)**

Item No. 13 on the September 23, 2003 Agenda is a motion by Supervisor Knabe directing the Chief Administrative Officer to send correspondence to the Governor urging his veto of SB 278 (Ducheny). Among other provisions, SB 278 would establish a medical parole system.

SB 278 would require prisoners to be paroled to a medical facility if they are physically and/or medically incapacitated by a condition that renders them permanently unable to move without assistance. To qualify for a medical parole a prisoner must be: 1) permanently unable to move without assistance or permanently unable to perform activities of daily living (such as dressing, feeding, ambulating, or maintaining personal hygiene), 2) eligible for skilled nursing facility level of care or subacute level of care, and 3) determined by the Board of Prison Terms and the Department of Corrections to not pose a threat to public safety. Prisoners serving a life or "three strikes" sentence are not eligible for medical parole under this bill. SB 278 also would require the State to ensure that a prisoner has applied for any Federal entitlement programs for which they are eligible.

According to an Assembly Appropriations Committee staff analysis, this bill will affect approximately 20 inmates and will result in an estimated \$1 million savings to the State. This savings would be offset by an estimated \$400,000 in increased State share of cost for those parolees who obtain Medi-Cal coverage. The remaining share of Medi-Cal cost would be financed by the Federal contribution. Costs for these prisoners vary, but can easily run into hundreds of thousands of dollars per patient, per year. For example, one 33 year old completely incapacitated prisoner cost the State an estimated \$589,000 in the last year. The analysis further indicates that the aging of the inmate population is projected to

Each Supervisor  
September 19, 2003  
Page 2

result in increased medical costs. It is likely that the number of inmates qualifying for medical parole under SB 278 will also increase.

According to Department of Health Services (DHS) staff, the effects of SB 278 are difficult to assess because it is unknown how many prisoners would be released to the Los Angeles area and it is unknown how many will seek care from County facilities, which in general do not provide skilled nursing or subacute services. To the extent parolees who are not enrolled in Medi-Cal seek and obtain care from DHS, there would be a cost shift to the County and/or displacement of other indigent patients.

**There is no Board Policy on medical release of prisoners; therefore, requesting the Governor to veto SB 278 is a matter for Board Policy determination.**

SB 278 is sponsored by the author and supported by the California Catholic Conference, Crime Victims United, Drug Policy Alliance Network, and the California Commission on Aging. There is no registered opposition. SB 278 obtained Senate concurrence with Assembly amendments on September 11, 2003, and the bill proceeded to the Governor.

DEJ:GK  
MAL:JF:JL/MS:hg

c: Executive Officer, Board of Supervisors  
County Counsel  
Department of Health Services